

SOUTH CAROLINA COURT OF APPEALS

COUNTY OF PICKENS )

Robert Earl Dillard, )  
F Appellant )

MOTION TO FILE RULES 59 (e)  
& 60 (b) FROM JUDGMENT OR  
ORDER

v. )

The State, Respondent )

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APR 08 2026

SC Court of Appeals

**(b) Mistake, Inadvertence; Excusable Neglect; Newly Discovered**

**Evidence, Fraud, etc. On Motion and upon such terms as are just, the court may relieve a Party or legal representative from a final judgment, order, or proceeding for the following reasons;**

- [1] mistake, inadvertence, surprise, or excusable neglect;**
- [2] newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59e (1);**
- [3] fraud, misrepresentation, or other misconduct of an adverse Party;**
- [4] the judgment is void;**
- [5] the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.**

The Motion shall be made within a reasonable time, and for reasons [1], [2], and [3] not more than one year after judgment, order or proceeding was entered or taken, A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation, This Rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court, During the pendency of an appeal, leave to make the motion must be obtained from the appellate court, Writs of coram nobis, coram vobis, audita

querela, and bills of review and bills in the nature of a bills of review, are abolished, and procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rule or by an independent action.

Finally, Rule 60(b) provides, leave to make the motion need need not be obtained from any appellate court except during such time as an appeal from judgment is actually before the appellate court. This permits the motion to be made before trial court. The United States Supreme Court approved a similar result in *Standard Oil Co. v. U.S.*, 429 U.S. 17, 97S.Ct.31, 50 L.Ed, 21 (1976). This change will not, except in civil actions, affect S.C. Supreme Court Rule 24, Motions for New Trial upon after-discovered Evidence, which now requires leave by the supreme Court before the motion can be made in the trial court.

Rule 60(b) is substantially the same as code 15-27-130. There are two differences. First, existing State law provides for relief from a judgment taken against him through his mistake.' Rule 60 (b) deletes 'his' and thus there may be a motion for relief from other mistakes. Second, the statute provides that the relief must be sought within one year, This Rule retains the one year limitation for Rule 60 (b) [1]-[3] for mistake, inadvertence, excusable neglect, newly-discovered evidence, and and fraud; but Permits relief under Rule 60 (b) [4] and [5] after one year, but within a 'reasonable time' when the judgment is void or the judgment has been satisfied, avoiding the necessity of bringing a new action to set aside the judgment in such cases after one year. (Editor's Note; Effective September 1, 1990. the Supreme Court Rules were repealed by the South Carolina Appellate Court Rules,)

#### NOTES TO 1994 AMENDMENTS

The amendment to Rule 60 (a) and (b) clarifies the leave of the appellate court is necessary to correct a clerical mistake or to make a motion to set aside an order of judgment while the appeal is pending. An appeal is pending from the time the notice of appeal is served until the issuance of the remittitur. Rules 203, 204 and 221(b) SCACR.

#### NOTE TO 1998 AMENDMENT:

This amendment adds a requirement to Rule 60 (a) that a copy of any written motion be provided to the judge, It is intended to help insure that the judge is promptly notified that the motion has been filed.

**UNITED STATES SUPREME COURT ANNOTATIONS**

**Supreme Court's construction and application of Rule 60 (b) of Federal Rules of civil Procedure, allowing relief from judgment order, 116 L Ed 2d 1045,**

**CONCLUSION**

**WHEREFORE, for the foregoing Reason, The Honorable Court should Grant Relief to reverse & vacate Appellant's conviction and sentence and dismiss the State, motion of false facts.**

date 4/8 - 2026.

  
**Robert Earl Dillard#220045**

**See Exhibit**

*Office of Clerk of Court*

TELEPHONE (864) 898-5857

PICKENS COUNTY

CIVIL RECORDS (864) 898-5862

FAX (864) 898-5863

**Harold P. "Pat" Welborn, Jr.** CRIMINAL RECORDS (864) 898-5864

[pwelborn@pickenscountysc.gov](mailto:pwelborn@pickenscountysc.gov)

PO Box 215  
PICKENS, SC 29671

FAMILY COURT (864)898-5598

March 26, 2026

Mr. Robert E. Dillard  
430 Oaklawn Rd.  
Pelzer, S.C. 29669

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RE: Letter/Motion Date:

Mr. Dillard

I am in receipt of your letter/Motion 3/26/2026

The Chief Administrative Judge for the 13<sup>th</sup> Circuit denied your Motion. I am returning a copy of your cover letter with his hand written answer. I will place a copy of your letter/Motion in the Clerk of Court's file.

Sincerely,



Harold P. Welborn, Jr.  
Pickens County  
Clerk of Court

See Exhibit

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF PICKENS

Clerk of Court  
pickens County  
Office P.O. Box 215  
Pickens, S.C. 29671

*Denied  
Relief unavailable to  
petitioner. Decided  
without hearing.  
JM  
3-26-26*

Dear, Clerk.

I am sending you my Amended motion for New Trial under 60 (b) AND THE Ruling of Court's decision in Rowell v, State, 442 S.C. 215 (2024), and Relief from Judgment due to Fraud Upon the Court, Refiled with Attached Exhibits A,B,C,D,E, and F, (Transcript Evidence of perjury and Misconduct) Filed; Please send me back a Clock stamp copy for my Records, and Application to proceed without payment of cost and Affidavit in support thereof.

I THANK YOU VERY MUCH IN THIS MATTER.

date 3/19/2026.

*Robert Earl Dillard*  
Robert Earl Dillard # 220045

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MAR 19 2026

PCI MAILROOM

ROBERT EARL DILLARD#220045  
PERRY CORRECTIONAL INST,  
430 OAKLAWN ROAD Q4B/211  
PELZER, S.C. 29669

SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS  
CLERK OF COURT  
1220 SENATE STREET  
COLUMBIA, S.C. 29201

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LEGAL MAIL PCI MAILROOM